

THE
ORDER OF
Keeping a Court Leet, and
Court Baron, with the charges
appertaining to the same.

Truely and plainly delivered in
the English tongue, for the profit of all
men, and most commodious for
young Students of the Lawes, and
all other within the jurisdiction
of those Courts, with di-
vers new additions,
thereunto added.

Quicquid agas prudenter agas, & respice finem.



L O N D O N,
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Esquire. 1637.
Cum Privilegio.

K622c

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I



THE ORDER OE Court Leet and Court Baron.

First , there shall be a Precept made by the Steward vnto the Baillife, to warne the Court, by a reasonable time : that is to say, six or moze daies before the Court be kept, in such form as followeth: But it is the better , if warning be fifteene dayes before, as it is in the Common Banke.

The Precept:

Black-
ford. **A**. B. generos. Seneschall Manerii
predicti Baillivo ejusdem Salutem.
Tibi præcipio pariter & mando, quod diligenter
præmonere facias omnes tenentes infra maneriu-
m predictum, tam residentes quam nonresiden-
tes, atque omnes tenentes Customarios Manerii
pred', quod sint coram me in hac parte sufficien-
ter deputato , apud Blackeford predictam, die
Iovis vicefimo sexto die Martii proxime futuro

Court Leet,

post datum hujus ad faciendū sc̄tam suam, tam
ad visum Franc' pleg' quam ad Curiam Baron'
& omnia alia qua eis incumbent, & pertinebunt,
& hac nullatenus omittas: & habeas ibi hoc pre-
ceptum. Datum sub sigillo meo, decimo die hujus
mensis Martij, annis Regni Iacobi Dei gratia
Anglia, Francie, & Hibernie Regis, fidei defen-
sor. &c. secundo, & Scotie tricesimo octavo.

After that the Steward is set in the Court,
he must first enter in writing the title of the
Court in the beginning of the Court Roll,
with the name of the place in such forme as
followeth.

The entry of the Court Leet, and Court Baron.

Blackeford. **V**Isus Franc' pleg' cum curia C.L.genero-
si Domini ejusdem ibidem, tent' die Io-
vis, videlicet, vicesimo sexto die Martii,
Annis Regni Domini nostri Iacobi Dei
gratia Angliae, Francie, & Hiberniae Regis,
fidei defensoris &c. secundo, & Scotie tri-
cesimo octavo, tent' per A.B. Seneschallum
ibidem.

When that is done, the Steward shall
cause the Baylise which serveth the Court, if
it be in a Leet, to make proclamations, that
is to say, three Dyes: and if it be in a Court
Baron, then but one, and after shall say as fol-
loweth.

All

All manner of persons which had warning to appeare here this day to serue the Kings Majestie for his Let, and the Lord of the manor for his Court now holden: Draw neere, and give your attendance, and every one answer to his name as he shall be called, vpon paine and peril that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in a Let) to be made other thre Dyes. Then after the thre proclamations made, the Steward shall cause the Bailife to say:

If any will be escoined, come in, and you shall be heard.

And in a Court Baron, if any wil be escoined, or enter any plaint, come in and you shall be heard: then the Steward shall say, escoynes and proffers of suit and plea, thre times, and in the end, Escoynes for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoyne for him, (the Court sitting) to sate his default.

And then the Steward shall enter the Essoyne in the Court Kolle, in this manner:

Court Leer,

The manner of entring the Essoines.

A.B.per C. D. essoniatur de cōi : & sic de aliis.

Looke also if there be any Tenant in the Manoz that hath any action , or cause of action, sithence the last Court day : Let him put in his plaint, the Court sitting, and it shall be entred.

Looke also if there be any Precepts, Attachments , or distresses hanging in the Court Roll, inquire of them openly in the Court, and know if the Bailife haue served them.

Also if there be any old plaints hanging in the Court Roll , before this Court holden, cause the parties to be called, and before the enquest be charged, know if the plaint shall passe by the homage.

That done, the enquest shall be impanelled: Then bid the foreman lay his hand vpon the booke, and sweare him in forme following.

The oath of the Foreman.

Cause the Bailife to hold the booke unto the partie or parties sworne, but the Steward shall give the Oath.

You

You shall diligently inquire, and true p[re]sentment make of all such things as you shall be charged with, concerning as well the Kings Majesties Late, as the Lords Court of the Hanoy: You shall well and truly keepe * the Kings Counsell, your fellowes and your owne: you shall not conceale nor hide any thing for fauour, feare, promise, nor affection you beare to any person or persons, or present any thing for hatred, or malice you beare to any man: but you shall present and tell the truth, the whole truth, and nothing but the truth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

After the Foreman is sworne by himselfe, cause thre or fourre of th' enquest to lay their right hands together on the booke, and give them their oath as followeth.

The oath of the rest of the Jurie.

All such oath as A.B. hath made before you on this behalfe, you, and every of you shall well and truly keepe on your behalves: so help you God, & by the cor.ents of this booke.

And then cause every one that is sworne, to kisse the booke.

And so in like manner sweare the rest.

* If the Cour
Baron be ke
by it selfe, the
shall be om
ted in this o
f these wordes,
The Kings Cou
nell, for that
not the Kin
Court, but t
Leet is.

Court Leet;

After they be sworne, cause the Bailife to number them that be sworne, as the Steward doth reade them.

The Proclamation after the Oath taken.

Then make Proclamation, and say thus: All you that be here sworne, draw neere and heare your charge, and all the rest keepe silent, vpon paine and perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay every Lest, according to the custome of the Manor.

The exhortation to be given unto the Iurie before the charge, to consider their oath.

Masters, the charge which you have promised by your Oathes to obserue, toucheth and concerneth divers good lawes and Statutes made for the whole commonweale of this realme, and also for the priuate wealth of every of you, which matters the Lord of this Franchise considering, and wishing your wealth and quietnesse, willing also god orders to be obserued and kept among you, and that right and equilly might be ministred to every

of you, hath caused therfore the Kings maje-
sties Læte and his Court to be summoned and
kept here at this day: I will therefore by your
fauo^r, before I enter into the matters of your
charge, declare unto you by what authoritie
you are brought hither, and wherein you are
bound to serue.

One cause is, for that the Kings Majestie,
and his noble Progenitours haue given and
granted vnto the Lord of this Manor, a
strength and power to keepe a Læte or Law-
day at two times in the yeare, at which Læte
or Lawday, all the Headboroughs, Tithing-
men and Deciners, & all other persons which
be resident or dwelling within this Læte, be-
ing of the age of twelve yeares or aboue, are
bound by the law of this Realme to appeare:
for that thers they may heare the lawes & sta-
tutes opened and declared, that thereby they
may know and avoid the danger of the same:
and further to enquire of the breakers of the
same, and present them, that such offenders
might be punished.

The other cause or authority is, for that
you be the Lords Tenants, and are bound
by reason of your Tenure to appeare at the
Lord his Court Baron, when it shall hap-
pen to be kept according to the Law, that is
to say, at every thre weekes end, and being
here

Court Leet,

here by these two authorites, you are bound
to serue in all such things as you are lawntly
and lawfully charged withall, as well concer-
ning the Kings Majesties Leet, as the Lords
Court Baron.

And thus you haue heard in briefe the cau-
ses whereby you are bound to come to this
Leet and Court Baron.

Also to the intent that this your oath which
you haue taken, may be the better knowne, I
thinke it good by your patience somewhat to
say concerning the same.

First, in swearing, thre things chiefly ought
to be considered: The first is, that you sweare
truly, that is, you must seclude all favour and
affection to the parties, not fearing the rich,
nor pittying the poore, nor considering the
simplenesse of any person, nor the sinallnesse
of the offence, but having the truth onely be-
fore your eyes, soz louetherso say and speake
that which you know to be true, & no further.
The second is, you must sweare in righteous-
nesse, that is, soz the very zeale and desire you
haue in declaring of the truth, soz the execu-
ting of Justice, soz the obseruing of conve-
nients, honest promises, statutes, lawes, and
good customes: and having a respect in doing
and performing these shinges, you doe that
which is to the glorie of God, the honor of the
King,

King, the preservation of the people and common-weale : and this manner of swearing is commanded of Almighty God in Deuteronomie, saying, Thou shalt feare the Lord thy God, and serve him, and shalt sweare by his name. That is, we must serue God onely, feare him, and confess his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must sweare in truth, in judgement, and in righteousness, &c.

Chap. 6.

Thirdly, in swearing and taking an oath, you must doe it with judgement, not rashly, nor vnaudisely, but soberly, considering what an oath is: and to put you in mind thereof, I will in few words declare what an oath is. An oath is the calling o^r taking to witnesse of God his name to confirm the truth of that we say. And Saint Paul saith, An oath for confirmation, is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, we flee unto God, that he which is the onely truth, may give testimony unto the truth, & he which vseth God for a witnesse, doth also call for reuenge of perjurie at his hands, if he deceiue and speake not the truth: Also in laying your hands vpon the booke, you doe sweare, truly to enquire

Heb. 6. ver. 16, 17.

Court Leet,

Inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truly, soz sauour, fear, loue, or malice of any person; you must consider, that in the same Booke is contained God his everlasting Truth and most holy Wlord, whereby we have remission and forgiuenesse of our synnes, and everlasting life. Also in the Gospell Booke is contained God his plagues and threats to obstatine sinneres, periured men, false witnessse bearers, condemneres of innocent and guiltlesse persons, so that if willingly you forsware your selues, you utterly forslake God, his Percy and Truth, the merits of our Sauour Christ, his nativitie, life, passion, death, resurrection, and ascension, the joyes of Heauen, and everlasting life, betaking your selues to the devill, the authour of all lies, periurie, and deceit: and by forswearing, and forslaking the truth, you do forslake Christ, the light and truth it selfe. And althoough that periury doe escape sometime despied, & vnpunished, & be kept secret betwene some of you and others, yet your hearts will judge and repute one another false, and be suspitiones of each others doings: but God being faithfull, he will not deny himselfe: & therefore he will not suffer the profanation of his name to be vnpunished: also at the last day, when the secrets

secrets of all mens hearts shal be opened, then
the truthe and your owne consciences shall ac-
cuse you, and Christ the righteous Judge shall
justly condemne you to everlastinge death and
damnation. For this sinne of perjurie God Malac.3.
by his Prophet hath threatened to punish.
Wherfore let vs pray vnto God that we
may use such oathes as be godly and lawfull,
that is, that we sweare not rashly, in trifles,
or in matters of no weight, but when it is need-
full and necessarie onely: also that we doe con-
sider the end, that our oathes may serue to the
honour of God, and to the boulding out and
testifying of a truthe. And thus having put you
in minde of your duties and oathes, the which
I trust you will diligently weigh and consider
in the performing & doing of the same, to the
comfort of your consciences: I will proceed
no further therein, but declare vnto you the ar-
ticles of your charge.

The charge of Court Leet.

1 You must understand, that high Treas-
ons, petty Treasons, and Felonies,
which are against the Crowne and dignity,
are to be enquired of and presented in Court
Leet, but not punishable there.

2 The which offences ought to be set
downe

Court Leer,

done in writing, and indented, the one part to remaine with the Steward, the other with the Jurie, and the same must be delivred to the Justices of the Assises at the next Gaole delivery holden within the County. See Stamford in his Plees of the Crowne, lib. 2. cap. 24. fol. 85, 86, & 87. And M. Lambert in his Justice of peace, lib. 4. cap. 6.

3 First you shall inquire of high Treason, as if there be any among you which doe compasse, imagine, or intend the death of our Soueraigne Lord the King, and doe utter the same words by writing, or by any other open act: or if any goe about to make war against him: or if any be adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the money of this Realme, or the coyne of any other realme which is enabled to be currant within this Realme.

5 Or if any counterfeileth any of the kings Majesties seales, as the great seale or stamp, these are high Treasons.

6 Also counterfeiting of the Kings seale is to take Ware printed with the Kings Seale, and to fasten it to a writing not made by the King: these are to be enquired of here as Felonies, and to be certified as aforesaid,

said, Rastall, Treason 26. 5 Eliz. cap. 11. pur
clipping, washing, &c.

7 Also if any kil his master or his mistris: Petty treason.
or if a Priest, or other religious man kill his
Ordinary, this is pety Treason, and to be en-
quired of here as felonie, 25.E.3.ca.2. Rastall,
Treason 1.

8. And if any woman kill her Husband, it A woman to
is petic Treason, and it is to be enquired of as kill her hus-
felonie, 19.H.6.fol.27. band is pety
treason.

9 Also cutting out of a mans tongue, and
putting out his eyes of malice, is felony, and
to be enquired of here.

10 Also murder is, when any of malice pre- Murder.
pensed or forethought doth kill another, felo-
niously, and it is to be enquired here as bloud-
shed.

11 Also manslaughter as a trespass is here Manslaughter.
to be enquired, that is to say, when the place
is not appointed to fight, but suddenly they
fight together, and the one killeth the other as
they met by chance: also it is to be enquired
here for bloudshed.

12 Also if one kill another in defending In defending
himself, he shall lose his goods. himself, and
killing by mis-
fortune.

13 The same law is where one killeth an-
other by misfortune, &c. Stamford 15.a.

14 Also you shall enquire of rape, which is, Rape.
if a man ravish any woman against her will,
he

Court Leet,

be she wife, widow, or maid, though she afterward consent unto it, it is Felonie. You shall enquire also of their ayders, for they shall be judged Ravishers, as well as he that did the deed, 22. E.4. fol. 22.

Burglary.

14 Burglars are those which in the time of peace, or in the night time with a felonious intent to rob or kill, doe breake any houses, churches, walls, or gates, and enter into them: this is burglarie, and here to be enquired of, Stamf. fol. 30. b.

Robbery.

15 Robbery is when a man taketh anything from any other person feloniously, though it were but the value of a penny, this is Felonie, and to be enquired of.

Burning of a house or barne.

16 Also the burning of a house feloniously is felony.

17 Also burning of Barnes, adjoyning to a house in the night, is to be enquired of, 11. H. 7. 1.

Robbing of Churches.

18 Also robbing of Churches or Chappels, and taking of any ornaments out of the same feloniously, is felony, and to be enquired of.

Rescue.

19 If any rescue any which is taken for felonie, that is felony, and to be hereenquired of.

Taking of Doves.

20 Also taking of Doves in a Dove house in the night time with a felonious intent, is felony, and here to be enquired of.

Yong Pigeons.

21 Also taking of young Pigeons, or yong Golhawkes

Goshawks in their nests, is felony, and here
is to be enquired of.

and yeas
Go shawke

22 Also taking of fish feloniously out of ponds, stews, or trunks, here is to bee enquired of. But if the same be taken out of a river, thers it is no felony.

23 Also the taking of tame Dære with a felonious intent, is felony.

Taking of
tame Deare
Signers,
Swans,
Peacocks.

24 The same law is for taking of Swans, Swans marked, Peacockes, and the same is to be enquired of.

25 Also if any receive a Felon, knowing Receivers
of the felony which hee hath done, this is felonie, and here to be enquired of.

26 And note that all other felonies which
be felonies by the common law, are here to be
enquired of.

27 Accessaries are enquirable, and that is Accessary,
if one procure or command another to doe a
Felony, but is not present when he doth it:
this procurer or commander is accessory.

28 Also accessory after felony is done, is Accessary
where one receiveth a felon, knowing of the
felony done.

after felony
done.

29 Escape voluntary is wheres one arre-
steth another for felony, and after suffereth
him to goe whither he will, this is felony, and
also to be enquired of.

Escape vol-
untary.

30 Escape negligent, is when one is arrested

Escape neg-
gant.

Court Leet,

for felony, and after escapeth against his will
that arresteth him, and if he be not freshly pur-
sued and taken before they that doe pursue lose
the sight of him, he that should haue kept him,
or his gaoler, shall lose a grieuous fine, and
hereof enquire.

Larceny

31 Petty Larceny is taking of any thing
with a felonious intent, vnder the value of xx.
d. as hennes, geese, pigs, or small things out of
windowes, and those things are to bee enqui-
red of.

hear

32 You shall understand that the Lord of
whom the land is holden, shall haue the lands
by Escheat, where their tenants be attainted
of Petty Treason or Felony, and the King
shall haue the Lands a yeare and a day,
and the waste of it, per Magnam Chartam
cap. 22.

33 And therefore you must enquire what
lands and tenements those persons so offend-
ing haue, and what goods for the King,
except the Lords haue felonys goods by the King
his grant, 9. H. 4. fol. 23.

34 Also you shall understand that those
matters in the charge aforesaid, are to be en-
quired of, and presented as aforesaid, but not
punishable here, but they are to be certified
by the Steward in sessions as aforesaid, but
the rest of the matters of the Charge which
ensue

and Court Baron.

9

ensure, are enquirable and presentable, and be also punishable here in Leete, but not certified as the other were.

1 Those things which heretunder follow, are to be presented in Leete, and also to bee punished there.

2 First you shall enquire if all your Constables, Headborroughs, Deciners, and all other suitours which owe any suit hither, bee here, or not, and present all their names that make default.

3 Also if any have dwelt within the Lordship the space of a yeare and a day, and bee of the age of xiij years, and not sworne to the King to be true and faithfull, this is enquirable.

4 Also you shall enquire if any of the Lords villainies be fugitives, and remaine elsewhere out of the Lordship, and be not in the ancient demesne of the King a yeare and a day, present the same.

5 Also you shall enquire if any customes or seruices, due to his court, be holden back, how, by whom, and in what Battis time the same was, and present the same.

6 Also you shal enquire if any purprestures be made vpon the land, wood, or water with

Constables,
Head-bo-
roughs.

Of the age of
xiij years.

Villaines.

Customes and
seruices.

Purprestures.

Court Leet,

walls, houses,
gates or hedges.

high wayes,
waters, ditch-
es or paths.

Encroachments.

Layfals.
Carriion.

Make frays.

Common
Barretors.

Breakers of
pound.

Outeries
against the law.

blocks, stakes, ditch, hedge, or by, or with all
my other thing done to the annoyance of the
people, that is to say, to the multitude, and not
most enely to one.

7 Also if any walls, houses, pales, or hedges
be made or erected to the annoyance of the
people, this is to be presented.

8 If any common highwayes, waters, ditch-
es, or paths be turned out of their courses, it is
to be enquired of.

9 Also you shall enquire if any Encroach-
ments be made on the Kings highwayes, or
any of the Lords soile common, or one neigh-
bour vpon another, and present it.

10 If any Layfals be made, or any car-
on be cast in highwayes, to the annoyance
of the people, this is enquirable.

11 Also if any commonly breake the peace,
as making of frays in disturbance of the peo-
ple, this is enquirable.

12 Also if there be any common barretors
in the Lordship, or scoulders or brawlers,
the annoyance and disturbance of their neig-
bours, present their names.

13 Also if any breake the common pound
to take a distrelle out of the same, present their
names.

14 Also if any Outeries bee made again-
st the lawes, in disturbance of the people,

is to be enquired of.

15 Also if any rescons bee made within the
of the shrievaltie upon the Sherife or his Baillies,
, and vpon any of the Kings Officers, to distur-
bing of them to take any person to be arrested,
it is to be enquired of.

Re'cous mad
against the
Sherife or his
Officers.

16 You shall enquire, if any Euesdroppers
which stand vnder walls or windows,
, dit by night or day, to heare tales, and to carry
them to others, to make strife and debate
betweene their neighbours, present their
names.

17 Also if there be any common breakers
neigh' hedges, present their names.

Breakers of
hedges.

18 Also if any keepe and maintaine any
Bawderie in their houses, it is cause of brea-
keing the peace, and it is a vice that corrupteth
the common weale, and for that cause it is here
peace, to be enquired of.

Keepers of
Bawdrie.

19 Also if there be any vagabonds, or those
which walbe by night, and sleep in the day.

Vagabonds.

20 Also if there bee any that bee common
taunters of Tauernes or Ale-houses, having
neig' hbor sufficient to live vpon, they are to be en-
quired of.

Haunters of
Tauernes or
Alchouses.

21 Also if one goe in message for theenes,
it theene is to be enquired of.

To go on mes-
sage for
theenes.

22 Also you shal enquire if any person haue
gained entered any hemp or flax in any river, rive-
rable, to

For corrupting
the waters.

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ning water streame, or brooke, or other common pond where beasts doe vse to drinke, they shall forfet for every time so doing x*s.* the one part to the party grieved, or any other which will sue for the same in the Leete, by action of debt, bill, plaint, or information, or otherwise, and present the offendours.

This offence is not inquirable in the Leete, but may bee punished there, vpon the action or information of any against the offendours: for which, see the Statute 33. H.8.c. 17. But vpon a presentment of a Iurie in the Leet of such an offence the penalty cannot bee levied, but the offendour maybe amerced there for the annoyance, and the amercement estreated, and so leuied.

use weights.

double
ights.

use of bread
dale.

23 Also, if any have and vse any measures of bushels, gallons, yard, or elne, or false ballances, or pounds, they are to be enquired of.

24 Also, if any vse double pounds, or measures, that is to say, one little or small weight to sell by, and a greater to buy with, in deceiving the people, the same is to be enquired of.

25 You shall also enquire of the Assise of bread and ale, that the same be kept, that is to say, that every one sell according unto the rate and price of grains, and that the same be made wholesome for man, and hereof enquire.

26 Also

26 Also if tiplers sell by cups or dishes, or Tiplers
measures unsealed and not sealed, it is enqui-
rable.

27 Also if Butchers, fishmongers, or other
victuallers sell any corrupt victuall, not whol-
some for mans body, it is enquirable: also that
all other that sell victuall, if they sell the same
at a reasonable price, and not to bee exceeding,
having regard to the prices how victualls bee
sold in places neare thereabouts, and hee that
is convicted, shall pay double that he hath re-
ceived to the party dammified, and the same to
be enquired of.

28 Also that hostlers doe not sell hay, nor
oats but at reasonable prises, and that they
doe not take for the bushell, but an halfe peny
over the common price in the market, and that
they take nothing for the litter, and this is en-
quirable.

29 An Inkeper may bake his bread for
horses in his house in any thongh fare towne
which is no Cittie where no common Bakers
dwell, and if he bake and not make the same
according to the prises of graine, it is to be pu-
nished in Law.

30 Also if any Inkeper or other person,
harboore any suspected persons; perceiving
them to be of evill behavtore, it is to be enqui-
red of.

Court Leet,

31 Also if spillers take an excretion toll, it
is to be enquired of: and he ought to take for
it all but the twenty or the four and twenty
graine according unto the custome, and accor-
ding unto the strength of the water.

32 Also if the spiller within the Lordship
change the graine which he hath ground, it is
enquirable.

33 Also it is to be enquired, if all the artill-
ers do make good worke as they ought, and
if any make deceit in the same in deceiving
of the people, you ought to present their
names.

34 Also if any Constable, Ale-taster,
Wainfife, or any other Officers within this
Lordship, have well and truly done their office
or no, it is to be enquired of.

35 Also no Purveyor shall make any pur-
veyance for the Kings house, of any thing to
the value of forty shillings, or under, except
hee make ready payment to the party, upon
paine of losing his Office, and to pay the
value to the party grieved: and if he doe the
contrary, if the steward or Tything man,
upon complaint to them make no resistance
to the Purveyor, they shall forfeit to the party
grieved, the value of the thing taken, and dou-
ble damages, and this is the misdemeanour
of these Officers, and these misdemeanours,

and of all other such Officers, are enqui-
rable.

36 Also the Constable ought to see the peace
and watch to be observed as it ought.

Peace and
watch.

37 If any treasure be found, that is to say,
put in the earth, and no man knoweth who
hid the same, this is the kings, except the lord
hath the same by speciall words, or by pre-
scription.

Treasure
found.

38 If any esquires be, they are enquirable,
and that is, if any horse, pigges, hogs, cattell
or swannes, which have come into this Lord-
ship, and have been there a yeare and a day,
and not claymed, then the Lord may have the
property of the same by prescription, but the
same ought first to bee impounded in an open
pound, proclaimed in thys markets next ad-
joyning, and if none claime them, then they
shall be seised, and ought to be put into some
severall land, and not in any covert or wood
where the owner cannot find them, so if they
bee in covert the property is not changed,
though they be there a yeare and a day.

Escrivaines.

39 Also you shall enquire whether any
Ther夫 upon hue and crise, or otherwise, doth
waine his goods, that is to say, doth leane or
forlacke his goods, or any parcel of them, which
he hath tolne, by reason wherof the King is
seised thereof, or the Lord by the grant of the
King,

Waife.

Court Leet,

King, such goods are called waives, and therefore present the same: also if any Officer seale vpon any theenes goods, though there bee no pursuit made, in these cases, the King or the Lord by grant or prescription shall have these goods, &c.

hat flieth,

40 If any fyle, that is to say, if any be found by Indictment guilty of murder before the Coronor, or if he be indicted of Felony, and acquited and found that hee flieth, then hee shall forfeit his goods to the King, and the Lord may have them by Charter, and not by prescription, and this is inquirable.

41 If any horse or mare be put vpon a wall ground, and be scabbed, or having an infectious disease, he shall forfeit to the Lord of the Leet ten shillings, and this is enquirable.

42 If any exgent bee awarded against one indicted of felony, by the keeping of his goods, they are forfeit, though after he be acquitted of felony, and the King shall have his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

43 If any be outlawed to debt, trespass, or other personall action, his goods be forfeited, and the King shall have them, and not the Lord, except it be by Charter, and not by prescription, and this is inquirable.

44 Also you shall enquire if the common fine
have

hane bin here to be payed according to the cu-
stome, and whether the same be gathered ac-
cording unto the vsage. This is commonly ga-
thered by the Head-bozough.

45 Note that every one that hath view of Stocks.
free pledges, ought to have Pillory & Lum-
brell to doe Justice: Also in every Towne
where there is a Let, there shall be stocks and
for default thereof the towne shall forfeit five
pounds, and the same is enquirable.

46 Also you shall enquire whether any Apparell
have vsed in any of their garments, helmet, sat-
ten, damaske, sattata, sarcenet, chamlet, or a-
ny fur, as coons, ienets, martins, squirtl, fox,
gray, cony, hare, or other furres growing
within this land, or gold, or siluer, in or vpon
any of their garments, otherwise than the sta-
tutes, made in the 14. yeare. H.8. and 1. and 2.
of Ph. and Mary doe allow, you shal present the
offenderes.

47 Also you shall enquire whether any ba-
ker, brewer, butcher, coke, tipler, &c. doe take
excessive game or no: also whether they con-
spire, covenant, promise, or make any oath not
to sell victuall but at a certaine price, and pre-
sent the same.

48 Also you shall enquire if any artificers,
workemen, or labourers, have conspired, pro-
mised, or made any oathes, that they will not
make,

Coure Leet,

make or doe their workes but at certaine p[er]iodes, or not to finish that which another hath begun, or would doe but certayne worke in a day, present them, for they shall forfeit certayne penalties, 24.H.8.ca. 12.

49 And you shall enquire if any man being the Kings subject, not lame or maimed, not having any lawfull impediment, being within the age of threescore yeres, except Spirituall men, and Justices, doe use and exercise shooting in long Bowes, and whether the fathers and mothers of such as bee under xvi. years, do bring up their children in the knowledge of shooting: and whether every manchild of seven yeres and upward, have a bow and two shafts: if they haue not, their governours shall forfeit certain penalties: present therefore such offenders.

51 Also you shall enquire if the Butttes haue made and continued, and if your Buttts be not made or continued, yee shall forfeit for every thre monthe for default thereof xx.s.

51 Also you shall enquire if any Tanner haue offered to be sold any hide of Bull, Oxe, Stiere or Cow, gashed or cut, hee shall forfeit for every one twelve pence.

52 Also no Carrier ought to carry any Leather in a Shoemakers house: and none ought to carry any Leather euill tanned.

53 Also

53 Also you shall enquire if there bee any Crows nests, if there be not, the Lord shall have the moiety of ten shillings, which shall be forfeited by the parish or townes for not having the same. Also if they destroy not the Crows nests when they begin to breed, they shall be amerced.

Crown
Crows

54 Also you shall enquire if any person by any meanes have taken and killed any yong bwoode, Sperlins, or frys of Salmons, Eales, Pikes, or any other fish, in any streame, river, booke, flondgate, or in the taile of any spill, and present the offenders. And further, when any person hath taken in any of the places aforesaid, any Salmons or Trouts out of season, or any Pikes, or Pikrelles, not being in length ten inches, or any Barkel not being in length twelve inches, or any Salmons not sixteen inches, or Trouts not eight inches long : If any have done so, they shall forfeit certaine penalties.

For the
and killin
fish.

55 Also you shall inquire if any breake by day or night, the head or damme of any pond, poole, or moate, within which the Lord bath fish, to the intent to scatter, steale, and destroy the fish, he shall pay to the Lord treble damages, and shall be impisoned thre moneths, and after finds sureties for seven years of his good abearing.

Breaking
head of
pond.

56 Also

Court Leet,

56 Also you shall enquire if any doe hunt
Deere out of the Lords ground, or kill any of
his Deere, and present them.

57 Also you shall enquire if any person doe
keepe or maintaine any common house, alley,
or place of bowling, quoutes, cailes, tennis,
dicing, tables, or carding, or any other un-
lawfull games, and present them: if they do,
they shall forfeit certayne penalties: also you
shall enquire if any person doe haue the said
houses and places: and further, you shall en-
quire if your Constable and other Officers
doe make true search in such places which be
suspected to be frequented with any unlawfull
games, yea or no, if they doe not, they shall for-
feit certayne penalties, you shall therefore pre-
sent such offenders, 33.H.8.cap.9.

58 No loned houle being of the age of ii.
yeares, except he bee fourtene handfules high
shall be put to pasture in any common, forest
or chace, vpon paine of forfeiting of the same
houle: also the said grounds ought to be year-
ly drinen at Michaelmas by the Lord, Wy-
thingman, Constable, &c. or within 15 dayes
after, vpon paine of xl.s. and if vpon the same
drining there be found any mare, sole or gel-
ding, not likely to be able to beare foles, or to
do profitteable service, the same shall be kaine
and buried, 32. H. 8. cap. 13.

59 Also

Hue and cry

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suit from towne to towne, or from county to county, or from hundred to hundred according to the Statute of Winchest. 13. E. 1. cap. 2. For if a man be robbed in the day time, and the thiefe escape, and is not taken within forty dayes after the robberie, for lacke of hue and crie, the borough or hundred shall answer to the party all his goods and damages: also if any person be killed in a towne in the day time, and the murderer or manslayer escape, not taken or arrested by those of the towne, then the towne ship shall bee amerced, 18. Ed. 2.

60 Also you shall enquire if your Constables and Churchwardens haue appointed any surveyors for the mending of High wayes, leading to market townes, or no, and if any chosen refuse the same office, he shall pay 10 s. also you shall enquire whether the same surveyors haue taken upon them the said office, and put the same in execution: and whether the parishioners haue done their duties, and present all those that haue offended contrary to the same Statute, for the offendours shall forfeit certaine penalties.

For the amending of High wayes.

61 Also you shall enquire if the ditches bee scoured, and bushes cut, according to the Statute

Court Leet,

uring of
ches and
etting of
edges.
ca.

or watering
emp or flax.

Musters.

yers.

tute made in the first yeare of Q. Elizabeth,
for not doing of the same, they shall forfeit ten
hillings.

62 The moiety of all the forfeitures in
these Statutes, the Church-wardens shall
haue to beslowe vpon the highwayes.

63 Also you shall enquire if any persons haue
watered any hempe or flaxe in any riuere, run-
ning water, streame, or brooke, or other com-
mon pond where beastes doe use to drinke,
they shall forfeit for every time so doing xv. s.
the one part to the party grieved, or any other
which will sue for the same: and the Statute
33. H. 8. cap. 17. doth give a remedy to sue
for the same in Leete, by action of debt, bill,
plaint, or information, or otherwise.

64 Also you shall enquire whether any re-
fuse to come to musters before any person au-
thorised to take the same, he shall be impuze-
ned for ten dayes, except he pay to the said
S. & if any persons appointed to take musters,
receive any mony to release any appointed to
serve, he shall forfeit ten times so much as that
he received, 4. & 5. P. & M. ca. 3.

65 If any persons to the number of viii.
make an unlawfull assembly, for to breake any
bankes, inclosures, parkes, fish-ponds,
barnes, houses, and such like, and Proclama-
tion be made by the sherrif or Justice of

Peace

Peace that they depart, and notwithstanding they remaine together an houre after Proclamation made, evertie such attempt is felonie: also evertie Copholder being a yeoman, husbandman, or labourer, of the age of eightene yéeres, and under threescore, not sickle, nor having a reasonable excuse, and being required by the Justice, Sheriff, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lord may enter: also the Farmer being a yeoman, &c. refusing, is in the same case to the Landlord: also it is felonie if any person without compulsion, bring, send, or deliver any money, harness, artillerie, weapons, or victuals, to any person assembled in such manner. Also the Justice of peace or other officer may raise a power to supprese them: and if any Officer kill any such rebellious persons, or maim them, they shall bee free: and if any person know of any such pretended rebellion, and doe not openly declare the same within twenty houres next after such knowledge, he shall be impsoned for thre moneths without baile or mainprise, if he be not discharged by a Justice of Peace: also he that letteth or hindereth that Proclamation that the same be not made, committeth felonie.

22 Anno quinto Eliz: cap. i. If any exolle

Court Leet,

the King
assurance
his power.

racing of
res.

licences for
Vine.

or set forth the authoritie of the Bishop of Rome against the forme of this estatute , hee shall incurre the danger of a Premunire , and this Estatute is to be declared in Leet .

68 None may trace, destroy, or kill a Le-
veret in the snow with a dog, or otherwise, and
hee that doth it shall forfet six shillings eight
pence, 13. H. 8. cap. 11.

69 Also you shall enquire if those persons
which doe sell wines be therunto licenced ,
according unto the Statute made in the eight
yeere of Ed. 6. q.c. upon a grievous paine and
forfeiture, and for every day occupying or sel-
ling of wine without licences. Also you shall
enquire how many there are licenced, and pre-
sent them. Of this and all other matters and
defaults you shall diligently enquire and make
a true presentment.

Then , after the charge is given, the Steward
shall command the Crier to make Procla-
mation, and after proclamation made three
times, the Steward shall say:

If any can enforme the Steward, or this
Inquest of any petie treason , felonie , petie
Larceny , Purpresture , breaking of pounds ,
or of Kescous , or of any other thing done
against the peace, or of any person of evill beha-
vour

bior within the Leet, or of any artifcer that doth make deceit, or of any other misdeameour of any officer or other person here, or of any waife or stray, treasure found, or of any other thing here to be enquired of; come in, and you shall be heard.

Then if any come in, he shall be sworne to give evidence to the Jurie. And after that the Steward shall say to the enquest:

Co you together, and enquire of the mat-
ters of your charge, and when you be a-
greed I shall be ready to take your verdit.

An addition of divers other matters enqui-
rable in Leets, not mentioned in the former
edition.

It is lawfull to all Stewards and Wa-
lfesses in their severall Leets and Law-
daies, to enquire, heare, and determine every
offence committed contrarie to the tenour of
the Statute made 33. H. 8. concerning cro-
sbowes and hand-gunnnes, so that alwaies no
lesse fine that v.l. be asselshed upon every such
presentment and conviction; the one moitie
of every such fine to bee levied to the use of
the King, and the halfe of the other moitie to

Crossebowe
and handgunes

Court Leet,

the owner of the Leet or Law day by distresse ;
or action of debt , and the other halfe of the said
moite to be to the partie that will pursue for
the same in any of the Quenes Courts by
action, information , &c. wherein no matter of
law, esoine, protection, &c.

2 And if any Iurie sworne and charged
to enquire for the King , of any offences com-
mitted contrary to the said Statute , doe wil-
fully conceale any of the said offences : then
the Stewards or Baillifses before whom any
concealment shall bee had , have authorite to
charge and sweare another Iurie of twelve
or more , to enquire of such concealment :
and if such concealment be found and pre-
sented by the said Iurie , then everie of the
first Iurie shall forfeit for everie such con-
cealment of every offence twenty shillings ,
the moite to be levied to the owner of the Leet
or Law day by distresse , or action of debt ,
and the other to the Informer , to bee re-
covered by Action, Information , &c. where-
in no Wager of Law , Esoine , Protecti-
on, &c.

3 But if the presentment or suit for any of
the said forfeiture be not commenced within
one halfe yeere next after the offence committ-
ted , then the offendour shall be thereof clearly
discharged , 33.H.8.16.

4 Lords in Léts, and their Stewards, within the precinct of their Léts, habe authority to enquire and take presentment by the oath of Juras, of all and every offence and offences committed contrary to the Statute 31. Eliz. touching the erecting and maintaining of Cottages and Inmates, and upon presentment made to levie by distresse to the use of the Lord of the Lett all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7.

New Cottag
Inmates.

5 The Steward for every Lett shall have full power and authoritie to enquire, heare, and determine, as well by presentment of twelve men, as by accusation or information of two honest witnesses, of, for, and upon all and every the offences and forfeitures committed contrary to the Statute provided, 2 Edw. 6. for the true making of Malt, as well for the King as for the partie that shall sue, procure, or cause the same to be presented, 16. Ed. 2. 35. Eliz. 7.

6 Stewards of Léts, Liberties, and Law-dayes within their severall jurisdictions shall and may heare, enquire, and determine of all and every offence and offences which shall bee committed within the precinct of their Liberties, Jurisdictions, or Franchises against the tenour of the act made,

Court Leet,

An. 23. Eliz. 6. for the preseruation of sealants
and partridges, 23. Eliz. 10.

7 Stewards in their Leets and Law-
dases, have authortie to heare and deter-
mine euerie default and offence of Hostlers
or Inholders making horse b:read not suffi-
cient, lawfull, and of due assise, according to the
price of Come, committed within the limits
of their jurisdiction, contrarie to the Statute
in that case provided, 32. Henric.
8, 41.

Fish.

8 The Lord of every Leet hath authortie
to enquire of all the offences committed
contrarie to the purport and forme of the
Statute provided (1. Eliz.) for the preserua-
tion of spawne and frite of fish, within the pre-
cinct of the said Leet, such enquiry to be had
in manner and sort as common amerclaments
or other things enquirable in Leets have
beene lawfully used to bee made, and upon e-
verie such presentment had in any Leet
Court by the oath of twelve men, of any of-
fence made contrary to the said Statute, all
forseitures appointed for such offence, shall bee
unto the Lord of the said Leet, and shall be le-
vied as amerclaments for frates committed
within the precinct of such Leet, have beene
used to be levied. And if that steward of a Leet
or some other for him doe not charge the Jurie
sworne

swoyne in every Læt to enquire of all offences done within the precinct of the same Læt concerning the killing of Spalme or Frie of fish, kepper, shadde, or salmons or trowts, picke-rell, salmon, trowt, or barbel, being not of lawfull length: and concerning the mesh of nets, and other engines, he shall forfeit for every offence, xl. s. to the King, and him that will sue for the same.

9 Also if any Jury swoyne in a Læt, having charge to enquire of the premisses, doe willingly conceale and make default in presentment of the offence and offenders, then the steward or Baillie, or their deputy, may impanell another Jurye within the same Læt to enquire of such concealement, which being found, everte of the Jurores so concealing shall forfeitt xx. s. to the Lord of the Læt for every offence.

10 Saving alwaies to all and every person and persons, bodies politick and corporat, and every of them, all such right, title, interest, claime, p[er]mission, and conseruation, and enquiry, and punishment, of and for any the offences aforesaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy by any manner of meanes, any thing, &c. notwithstanding, 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de Court Leet.

THE ORDER OF keeping Court Baron.

The Stile of the Court.

Overstoy  *Uria Baronis M. L. ibi-
dem tenta die Martis,
videlicet decimo quarto
die Junii, anno regni
Caroli, Dei gratia An-
gleie, Scotiae, Francie, & Hibernie Regis fidei
defensoris, &c. duodecimo.*

After the stile of the Court entred, you shall
call the Baillife to crie once D yes, and then
call the Jurors.

<i>Ex a.m.</i>	<i>Furatores:</i>	<i>Ho- mage.</i>
John Doe,	Rob. Dodge,	
Richard Roe,	Tho. Lodge,	
John Den,	Adam Clarke,	
Richard Fen,	David Parke,	
Wal. Hallen,	Henry Loe,	
Robert Allen,	William Croc.	

After the Jurie is called, the Baillife shall
crie another D yes, and then the Steward
shall say.

If any will be escomted or enter any plaint,
come in, and you shall be heard.

The Essomes be set before the homage, in
M. Kitchins Booke, & better than here, for first
should

should the sutors be called, and their appearance, defaults, or essoynes be recorded, before it can be knowne who did appeare to make the homage.

And after the essoynes be entred, and your plaints and places thereto made, then impanell the Jurie and sweare them.

After the enquest is impanelled and sworn, make another O yes, and say, You good men which be of the Jury, come neere, and you and all other keepe silence during your charge.

An Exhortation to the Jurie.

Masters, you that be sworn, before I give you charge in this Court Baron, I thinke it god to declare unto you by what authoritie you are commanded to be here, and for what cause. Chiefly, you are appointed to be here for that you be the Lords Tenants, and are bound by reason thereof to appear at the Lords Court Baron when it shall be kept, according to the Law, that is to say, at every three weekes end, being warned, and being by the same authoritie there, to end and determine injuries, trespasses, debts, and other actions, where the debt or damage is under forty shillings: and also that nothing bee done with in the Warres, hurfull to the inheritance of the

Court Leet,

the Lord of the Maner, which ought to be enquired and presented for the Lord: and that you be the more diligent and carefull in enquiring and presenting the same, I have ministred an oath unto you, which is the calling or taking to witnessse of God his name, to confirme the truth of that you shall say, and present, minding neither fraude nor deceit, but onely the truth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the common weale of God his people.

The Charge.

In the first place, you shall enquire of the sutors, which owe any suite to this Court, whether they be here or no, and present their names that make default, for they which bee absent ought to be present here as well as you, except they have some lawfull impediment to the contrary, for they hold their lands, as well to doe their suite, as to pay their rent, so that if they doe not their suite, they shall be amerced, or the Lord may have god remedie for the same; otherwise you shall understand, that every common sutor is bound by the lawes to appear at the Lords Court Baron at every thise weekes end: notwithstanding, the Lord for your ease (which hee esteemeth more than his owne pro-

The tenants
are bound to
appeare at e-
verie three
weekes end at
the Lords
Court Baron.

(it) suffereth the same to be kept but seldom, as appeareth, for which cause every of the tenants ought the more willingly to come unto his Court at such times as he doth appoint for the same: for if they wilfully absent themselves, then they render evill for good, and besides that, they incurre the danger of perjurie, for when they did their fealty, they were sworne to be true Tenant unto their Lord, and to pay and doe all manner of suits, customes, and services due for their Tenements, at their day assigned: and therefore let every man rememb're his oath and dutie, and doe his suits and services, according to the same, or else he shall fall into the danger aforesaid.

2 Next you shall enquire whether there bee any Tenant dead sithence the last Court day, or before, whose death as yet is not presented, and you shall present the same: also what lands and Tenements he held of this Lordship at the time of his death, and by what services, that is to say, whether it were by Knights service, Socage Tenure, or Copthold, and what advantage the Lord shall have by his death, as Willard, Partage, Reliefe, Escheat, Fine, Heriot, &c. And who is his next heire, and what age he is of, and in whose keeping, and present it. You shall understand there be divers manner of Tenures, but most men doe hold by Knights

What Tenant
are dead sinc
the last Cour

What land he
holdeth, and
by what ser-
vice.

Also who is
next heire.

Court Leet,

Knights service, or Socage tenure.

Knights ser-
ice, what it is.

3 Knights service is when the Tenant holdeth of the Lord by Escuage, that is to say, by the service of the sheld: also to hold by castle gard, that is to say, to keep a Castle, or Tower, or borg, or other place of his Lords, upon reasonable warning, when the Lord heareth that enemies doe come into England, that is Knights service.

homage, feal-
e, & Escuage,
Knights ser-
ice.

4 Also he that holdeth by homage, fealty, and escuage, holdeth by Knights service: also he which holdeth of his Lord to blow an horne to warne the men of that countrie when enemies doe come into England, holdeth by Knights service: and Knights service ought alwates to be done by the body of a man, and that service draweth unto it ward, marriage, and reliese: for when such a tenant dieth seised, and his heire male within age and unmarried, the Lord shall have the land holden of him, and also the marriage of him, untill he be of full age, that is to say, the age of xxii. yéeres. But if such a Tenant died seised, his heire female being of the age of fourteene yéeres, or more, then the Lord shall neither have the Wardship of the Land, nor yet of her body, soz that the law entendeth, that a woman of that age may have an husband able to doe Knights service: and if she be within the age of 14. yéeres

and

Knights ser-
ice is done by
the body of
man.

Knights ser-
ice draweth
into it ward,
marriage and
reliese.

and in
ward
till sh
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and so
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7

and unmarried, then the Lord shall have the wardship of her land, and also of her body, un-
till she be of the age of sixteene yeeres. And
some such Tenants doe hold by a Knights fee,
and some by halfe a fee, and some by more, and
some by lesse: and if such a Tenant dieth which
holdeth by one Knights fee, and his heire be-
ing of full age, then the Lord shall have ho-
mage and sealtie, and also five pound for a re-
lief, & cft him which holds by halfe a Knights
fee, ij.l.r.s. and he that holdeth by more shall
pay more, and he that holdeth by lesse shall pay
lesse: you shall therefore present whether any
such Tenant died seised of any such lands and
tenements so holden, yea, or no.

5 Also you shall enquire whether any tenant
which held by Knights service, made any seof-
fement to his heire, and after died, his heire be-
ing within age, yea, or no, for notwithstanding
such seoffement the heire is to be Ward.

6 And whether any such Tenant made a-
ny alienation of any such land so holden to a-
ny person by collusion, to deseate the Lord of
his Ward, or other profits, yea, or no, and pre-
sent that: for in all these cases the Lord shall
have the Ward and marriage of his heire, and
also of his lands, as well as if the said Tenant
had died seised of the same land.

Alienation by
collusion, and
holding by
Knights ser-
vice.

7 Also you shall enquire whether any such
Tenant

Court Leet,

leoffement a
on use, the
and holden in
knights ser-
vice.

Entry for con-
dition broken.

Entrie into
Religion.

Dissleisn of
the tenant, and
death before
any re-entrie.

VVhat Socage
tenure is.

Tenant which held by Knights service , di
make any will of his lands , or conveyed any
of them to his wife or children , or to friends,
to pay his debts , whitch notwithstanding any
such will or conveyance the Lord shall have
the warship of his heire, and custody of the
third part of his lands , 34. & 32. H. 8.

8 Also you shall enquire whether the heire
of such Tenant , entred into any such lands so
holden , for any condition broken, being made
by any of his ancestors, and present it.

9 Also whether such entrie in Religion be-
yond sea now be not treason, and so the party
to forfeit the land to the King.

10 Also you shall enquire if the Tenant
which held by Knights service, was disseised
of lands so holden , that is to say, put out of
them by one whitch had no rightfull title to the
same, and after died before any re-entrie, or a
ny lawfull recoverte had, and present it, so the
Lord shall have the wardship of the bodie of
the heire and of his land, as well as if his Te-
nant had died thereof seised.

11 Socage tenure is, as if the tenant hol-
deth of the Lord by fealtie and certaine rent
for all manner of services , or by homage and
fealtie for all manner of services, or by fealtie
only for all manner of services : or to pay
a summe of money for escusage, or to pay a cer-
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take summe of money for Castle Gard: all such Tenures are Tenures in Socage: and all other Tenures which are not Tenures by Knights service, are Tenures in Socage: and where such Tenants die seised of any lands so holden, the Lord of whom the land is so holden, after the death of his Tenant, can have no more profit but onely his fealty and relife, that is to say, as much money and service as one yeeres rent doth amount unto: as if the Tenant held by fealtie, and ten shillings rent, the Lord shall have ten shillings for a relife, over and besides the ten shillings which hee shall pay for his rent, and in such case after the death of the Tenant, such relife is due to the Lord maintenanc or immediatly upon his antecetors death, so that the heire be of the full age of xiii. yeeres, and he ought not to farrie for his relife untill the day of paiment of the rent, but hee ought to have his relife maintenanc, and for that he may distraigne immediatly after the death of his Tenant.

Relife is as
much money
as one yeeres
rent.

12 Also if a Copholder die sole seised of any lands or Tenements so holden, his heire being of the age of fourteene yeeres, then he shall pay a fine unto the Lord, and doe fealty, and be admitted Tenant: but if the heire be within the age of 14. yeeres, then some Gardian shall be admitted to occupy his Copihold, and to pay and

A Copiholder
dieth.

Court Leet,

and to doe his service due for the same; this
is to say, if Lands descend from the father,
then the mother or some of her next kin shall
have the occupation of the same lands, until
the heire be of the age of fourteene yeeres, and
they shall pay a little fine for the gardeniship,
and the heire at his entrie shall pay the whole
fine, you shall enquire thereof and present the
same.

13 Also you shall enquire whether any
Tenant which held by Socage Tenure, did
make any Feoflement in fee to his use, and
died seised of the use, his heire being within
age, and no Will by him declared of the use,
and present it: for the Lord shall have his re-
lief, as well as if he had died seised of the same
lands.

Whether any
Freeholder
hath aliened
any of his free-
hold lands.

14 Also you shall enquire whether any free-
holder hath aliened or sold away his freehold
lands or tenements, or any parcell of them, and
present it: for he which hath bought the land,
before he enter, ought to come to give notice
unto the Lord that hee hath bought the same,
and so the Lord shall know his Tenant, and in
case where but part is sold, the service which
the former paid unto the Lord, shall be appor-
tioned, according unto the value of the lands
sold and retained.

15 Also you shall enquire whether any which
held

held by Herriot service, or Herriot custome, died seised of any Lands or Tenements so holden, and present it, for the Lord shall have of ebery of their severall parts divers Herriots at their severall deaths: also if one man have two severall parcels of Lands holden by Herriot service, and by two severall titles, and dieth seised of the same, the Lord shall have after his death two Herriots.

Herriot ser-
vice.
Herriot cu-
stome.

16 Also you shall enquire if any Copiholder die seised of any Lands so holden, and present it: Also whether any Copiholder hath made any lease of his Copihold, or otherwise aliened or sold the same, and present it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or sell away his Copihold, he ought to come into the Court and surrender the same into the hands of the Lord, to the use of him which shall have the estate, or else out of the Court hee ought to surrender it unto the Baillife, or to some of the Tenants of the Lordship, to the use of him which shall have the estate, and they to whom the surrender is made, ought to present the same at the next Court, and then pay his fine for the same, and take it to his use in the Court, and doe his endeavour to be admitted, and if he be not at the same Court, then the Lord shall have the meane profits of the same lands, all the rent

Whether any
Copiholder
dieth seised of
any such lands.

D. services

Court Leet,

services and reparations being deducted, till he be satisfied for his fine, according to his dute.

Whether any
Copiholder
 hath made
any surrender.

17 Also you shall enquire if any Copiholder hath made any surrender of his Copihold, or any part thereof sithence the last court day, or before, and present it: and into whose hands it was made, & in whose presence, or to whose use: for at every surrender the Lord ought to have a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to yield up and testify the surrender into the Lords hands, to the use of the alienor, according unto the trust reposed in him, or otherwise he forfeitteth his Copihold, except he have a reasonable excuse: for that he doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose use the surrender was made. Not. The party that received the surrender hath no right by it.

18 Also you shall enquire if any Tenant of the Lordship have given any lands into mortmaine, and present it.

19 Mortmaine is if a man give or sell any lands to any house of religion, or to any other which bee corporate by the Kings grant: also if one make a Feofement upon trust to the use of an house of Religion, or to the use

Mortmaine.

of a Guild or fraternitie Corporate, that is
Mortmaine.

20 Also if one exchange lands or tenements
with an Abbot, or other body Corporate, this
is Mortmaine.

21 Also if a man of religion, or other body cor-
porate, doth hold of any man by Knights ser-
vice, & be release unto him, this is mortmaine,
and then the king or lord may enter, and shall
have the same by force of the Statute in that
behalf made, viz. the next Lord if he enter with-
in a yeare after the alienation, or in the Lords
default, the King: you shall therefore present
them that have given any lands or tenements
in mortmaine, and when the same was done.

22 Also you shall enquire whether any fe-
niant for terme of life, or yeeres, or any Copi-
holder of this lordship, hath made any waste,
or suffered any waste to bee done upon their
lands or tenements, yea or no.

23 Waste is when any Tenant for terme
of life, yeeres, or any Copiholder pulleth
downe any house, or cutteth downe any tim-
ber trees, or suffereth the house willingly to
fall, being on their Copie Tenements, or
if any of the Tenants plow up any meadow
ground, or if they suffer any Wall or Pale
which wers covered, to be uncovered, by rea-
son whereof the same Wall or Pale doth fall

A Statute
made thereof,
that the King
or Lord shall
have the same.

Court Leet,

In decay, or if any of them digne coales, chalk,
or sand, or make any mines in their grounds,
then they make waste. And if they sell a tree
to the value of thre shillings four pence, this
is admitted waste: But if a man cut downe
timber to repaire the old houses which stand
upon parcell of the same ground, and therewith
doth repaire them, then it is not waste;
but if hee with the timber build a new house,
then the cutting downe of such timber is waste:
Or if he cut downe any timber to sell, to re-
paire such houses which are fallen in decay,
such is waste. But if waste be done with a tem-
pest, no tenant shall be punished for such waste:
but if waste be done by any danger, the tenant
shall bee punished for such waste: Also it is no
waste to sell in seasonable time such trees as
have beeene felled within xx.yeres before: but
if the Tenant cut downe such trees to burne
upon their Tenements, where they have
wood sufficient, this is waste. Also a Copihol-
der may not cut downe wood to sell, but hee
may to burne, upon his Tenement, or to make
reparations as aforesaid.

VVhether any
Tenant in pos-
session died
seised without
any heire.

24 Also you shall enquire whether any
Tenant in possession or reversion died seised
of any Lands or Tenements holden of this
Lordship, having no heire at the time of his
death, yea or no, and present it, so then the

Lord

Lord shall have the land holden of him by Escheate. You shall understand, that none shall have lands in fee simple as heire unto any man, unlesse hee be heire of the whole blood: for if a man have issue two sonnes by divers women, and dieth seised of the same land, and the eldest entreth and dieth without issue, the youngest shall not have the land as heire unto his brother, because hee is of the halfe blood, but some other heire of the Fathers side shall inherit the same land; and if he have no heire on the Fathers side, then the next heire on the Mothers side shall not have the land, but the Lord of whom the land is holden shall have the land by Escheate: and so when land descendeth on the Mothers side, the heire on the Mothers side shall inherit, and not the heires of the Fathers side. And you shal understand, that a Bastard can never be heire unto any man, A Bastard may not yet have heire unto himselfe but his chil-
dren: therefore if any Bastard die without issue, or any other Tenant have died seised without heires, you shall present it.

25 Also you shall enquire if any Tenant vVhether any was seised of any Lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward dted without any heire, the Lord shall have his Escheate as well as if his Tenant had died seised.

Court Leet,

Petic treason, felonie, or murder committed by any Tenant, for which he was hanged, or had judgement to be hanged.

26 Also you shall enquire whether any Tenant of his Lordship hath committed any petic treason, felonies, or murders for the which he was hanged, or for the which he had judgement to bee hanged, though afterward he died by the act of God, or prayed his Clergie, and was allowed it, and delivered to the Ordinary before the Statute made in the 18. yeare of M. Elizabeths raigne, or else since that Statute was burned in the hand, and delivered out of prison according to the Statute, for by that judgement he was attainted, and the Lord-treth to the Escheat of his lands, and therefore if any such be present it. And whether any tenant hath committed any petic treason, felonie, or murder, for the which he hath absured the land, or for the which he was outlawed, or for the which he was beheaded, or for the which he was overcome by wager of battell upon an appeale, or in the combat put to death, and present it : for in all these cases the Lord of whom the lands are holden, shall have the lands by Escheat, and also the Evidences concerning the same.

VVhether there be any rents lost, or services withdrawne.

27 Also you shall enquire if there be any rents, customes, or services withdrawne from the Lordship, whiche of right ought to be done, and present it : and what rents, customes, and services they are, and by whom they are withdrawne,

uatione , and where the land lieth out of which they be due , and who holdeth the same , that the Lord may have his remedie for the arra-
ges thereof.

28 Also you shall enquire whether the Cop-
holders or the farmers of this Lordship doe uphold and repaire their Tenements , yea or no , and present the same : you shall understand that every Tenant is bound to thre things : First , that he be true Tenant to his Lord : se-
condly , that he sufficiently repaire his Tene-
ments : and thirdly , that he pay and doe all suits , customes , and services at his dayes as-
signed : for he looke upon him so to doe when he did his fealty , and if he doe not pay his suits , cu-
stomes , and services , the Lord shall have good remedy , and recover the same with his dama-
ges : and if he be a Copholder , and doe the con-
trarie , hee doth forfeitt his Cophold .

29 Also you shall enquire if any Tenant of this Lordship whitch is bound by reason of his Tenure to doe suit unto the Lords Mill , do the same , yea or no , and present it : and whether any have used to withdrawe their suit from the Lords Mill , in not grinding their corne there , yea or no , and present it .

30 Also you shall enquire whether any waif or stray is or was within this Lordship , and whether the Lord bee answered of the same ,

Court Leet,

yea or no : if not , present by whom they are
conveyed away : also you shall enquire if any
Herriot be conveyed away, yea or no, and pre-
sent it, and by whom.

hat a Waife

31 A Waife is, if a Thiefe upon hym and cry
and pursuite after him , or otherwise to easse
himselfe of his carriage , without hym and crie
doth waife his goods, that is to say , doth leaue
and forsake his goods which he hath stolne , or
any parcell of them , by reason whereof the
King or any other Lord or officer in his right
or in his owne right do seise the goods : in those
cases the goods so seised are called Waifes: and
the same law is , if any officer take any goods
of a Thiefe, suspecting that he hath stolne them,
though there be no pursuite made : and in these
cases, the King or else the Lord, by reason of a
grant made by the King, or by the prescripti-
on, shall have the goods so waifed, if the owner
of them doe not make fresh suit after the thiefe
to attaint him for stealing of the same goods ;
which fresh suit if hee make , he shall have his
goods againe, though they be waifed, but then
he must sue an appeale, or else procure the par-
ty to be indicted and convicted by evidence at
his pursuite , according to the Statute made 21 .
H.8.cap.11.

What an
stray is.

32 An Estray is , when an Horse , Mare ,
Oxe , Sheepe , or other Beasts , are in the
Lord-

Lordship, and no man knoweth the owner of them, they shall be seized unto the use of the King, or to the Lord which hath such an estray by the King his grant, or by prescription, and if the owner come and make claime within a yere and a day, then hee shall have it againe, or else after the yeere and the day, the propertie thereof shall be to the King, or else to the Lord which hath the same by grant or prescription, so that the Lord make Proclamatiōn thereon, according to the Law, in the next markets, and in the Church.

33 Also you shall enquire, whether any Rescous. person habe made rescous against the Lord, or any other officer, and present it.

34 Rescous is when the Lord distaineth in the land holden of him for his rent, or services behind, or if the Lord come upon the lands and would distaine, and the Tenant or some other will not suffer him, that is rescous: also if the Lord distaine for service behind, or for damage lesant, and in driving cattell to the pound, the beasts enter into the house of the owner, if in such case he that distaineth doth pray deliverance, and the possessours will not deliver them, that is a Rescous, therefore you shall present it, if Rescous habe beene made.

35 Also you shall enquire whether any person hath broken the Lords pounds, that is, to Breach of pound.
have

Court Leet,

have taken away a distresse put in, yea or no ; and present it. You shall understand , that if the Lord doe distraine any Tenant for rent , or service behind , he may impound the same distresse in a common pound if he will , or in his owne ground , or in his neighbours if he will , by the licence of his neighbour , and all those places in which the Lord doth impound any cattell , are called the Lords pound : but alwates when another doth impound any distresse in his owne pound , or in his neighbours , it behoveth him to give notice to the other party , so that if the distresse bee quicke he may give it meat , and then if the beast die for want of food , he that was distrained shall be at the losse , and then he that distrained before may distraine againe for the same rent or dutie .

VVhether any Tenant hath let any frame fall to decay ,
viz. not maintained husbandry as before.

36 Also you shall enquire if any Tenant of this Lordship hath let any farme or house fall into decay , which at any time sithence the first yere of the raigne of K. H. 7. hath bene let with twenty acres of land being in tillage , yea or no , and present it : for if they suffer their houses to fall into decay , the Lord may take and distraine for halfe of the issues and profits of the same , and keepe them to his owne use , untill such time as the houses shall be sufficiently builded and repaired , that is to say , main-

maintained againe for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. El.

37 Also you shall enquire if any inhabitant vVhether of common have obercharged the common or highwates, or your common fields, by putting in more cattell than they ought to keepe , and whether any of them have put their cattell in any their commons alsoesaid, before the dates agreed upon, and present it, for the Lord of any commoner (as it semeth) may distraine the surplusage damage feasant , or else you may make among your selbes orders and laws for your owne profit, that none shal doe upon paine of certaine penalties , &c. and by such laws the inhabitants and commoners shall be bound, &c.

38 Also you shall enquire if any person have made any pits in the Hig- wais, and whe- pits be mad- ther any person doe commonly use to brea- in the high- hedges, and to suffer Hogs to goe unyoaked, king of hed- or unringed, to the annoyancse of their neig- Hogs unoak- bours. ked or unrin- ged.

39 Also you shall enquire whether any per- son hath strained or stopped any waies, water, ditches , pathes , or turned any of them into a wrong course, and present it.

40 Also if any have encroached any land of the Lord, that is to say, land , meadow , pasture, wood, heath, moore , or any other vacant land have encro- ched.

Court Leet,

land without licence of the Lord, by setting of his hedge, pale, or otherwise, and present the same.

41 Note that all the vacant and waste land within the Manour, is to the Lord of the Manour.

Whether any
are removed
marks.

42 Also you shall enquire where any person have arid, plowed up, or remov'd away any Mere-marks, balks, or limits between one piece of land and another, and present it.

Whether any
are stalked
in bush or
st.

43 Also you shall enquire if any have stalked with a bush or beast to kill Dere which is in the Lords chase and parke, and present it.

Whether any
are or doe
pe away
evidences.

44 Also you shall enquire if any person hath or keepeth away any evidences, charters, or Court rolls, customarie terrars, or any other evidences which concerne the Lordship, or any parcell thereof, yea or no, and present it.

Whether any
are fished,
sled, haw-

45 Also you shall enquire if any person have fished, fowled, hawked, or hunted in his Lordship or Lords warren, and present it.

Whether any
are taken a-
fesants, &c.

46 Also you shall enquire if any person have taken any lesants, or partridges, with net, snare, or other engine upon the freehold of the Lord of this Manour, and present it.

Annes or
Annes eggs.

47 Also you shall enquire if any person have taken away the egges of the Lords swans out of their nests, and present it.

48 Also you shall enquire if any lands of the Lords

Lords be kept backe, or occupied by any without Concealed
out the licence of the Lord : also what land it land.
is, and how much land hath bene so occupied,
and of what value by the yere the same is, and
present it.

49 Also you shall enquire whether the Lord whether the
have any Villaine within his Lordship, and
what goods, taltels, and lands he hath, what
estate he hath, that the Lords may seise there-
upon : also what other things he hath : also if
any Villaine carry his goods out of his Lord-
ship without licence of the Lord : or if any ser-
man espouse a Peise without licence of the
Lord, you shall present the same. Note, if a vil-
laine purchase land, and doth alien the same to
another before the Lord enter, then the Lord
after shall not enter : otherwise it is if the Lord
enter before the alienation of the Villaine : the
same law is of goods, but the Lord may not
seise the goods that the Villaine hath as Exe-
cutour.

50 Also you shall enquire if any trespass be done in any of the Lords liberties, viz. in the Corne,
his corne, grasse, meadowes, pasture, woods,
hedges, waters, or ponds : or if any take ho-
nts, swarmes of Bees, or any Hawkes, or
ayrie of Hawks, or such like trespass, and
present them.

51 Also you shall enquire if any land be inclosed,

Court Leet,

inclosing
severalty
ounds with-
licence of
Lord, &c.

Copholder
y not let
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Whether any
outlawed.

granting
reater estates.

Whether the
ailiffe and o-
her Officers
oe execute
air Office.

Whether the
efault and
plaints be a-
headed.

inclosed, and the same kept in severality, which ought to be open, without licence of the Lord and other freeholders, you shall present the same, so that no Tenant of the Lordship shall lose the Common in the same.

52 Also if any Copholder let his Cophold land for longer time than a yeere and a day, without licence, except it be by custome that he may let for longer tyme, and if he doe, it is a forfeiture, and present the same.

53 Also you shall enquire whether any Tenant of this Lordship hath bene outlawed in any action of Trespass, or other action, and present it, and whether the Lord be answered of his goods and Cattels, yea or no, and present the same.

54 Also you shall enquire whether any Tenant for yeers, or life, have granted any greater or larger estate than they had in their lands, or tenements, yea or no, and present it, so that is a forfeiture of their estates.

55 Also you shall enquire if the Baillife, Headborough, Constable, and Hatward, and all other Officers, have well and truly executed their Offices, yea or no, and present it.

Note, Headborough nor Constable be not to present in a Court Baron.

56 To conclude, you shall enquire whether all the defaults and plants that were presen-

ted

ted at the last Court be sufficiently amended, yea or no, and whether all the orders and laws heretofore made bee observed and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences you thinke ought to bee searched and enquired of, and by the oaths that you have taken you shall truly and diligently enquire of all the premises, and plainly, without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seals, by such an houre, or as soone as you can.

It is needlesse but in case of Felonie for to deliver their verdict sealed, and then it must be indented: but it is convenient to have it in writing, written or subscribed by them, or one of them, but not necessarie: But to avoid the blame, ignominy, or slander the Steward might incurre, if they did after deny their doings.

57 And finally, if you shall know any thing that ought to be presented to the Lords advantage, you shall doe us to wit by the oath that you have made, and bring us in a true presentment. And now you may depart and enquire of your charge, having a regard of your oaths.

Finis de la charge de Court Baron.